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2 BILL NO. G-90-02-32 (AS AMENDED)

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5 GENERAL ORDINANCE NO. 90 3-50

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10 AN ORDINANCE OF THE COMMON COUNCIL OF THE
11 CITY OF FORT WAYNE, INDIANA REGULATING
12 TRANSIENT MERCHANTS.

13 WHEREAS, the City of Fort Wayne is in need of regulating
14 transient merchants within the city limits.

15 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
16 THE CITY OF FORT WAYNE, INDIANA THAT:

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SECTION 1. The following new Article is hereby added to
Chapter Seven of the Municipal Code of the City of Fort
Wayne, Indiana entitled "Business Regulations Generally":

ARTICLE III. TRANSIENT MERCHANTS.

Division I. In General.

Sec. 7-42. Definitions.

"Exhibition" means any public show or trade show organized to demonstrate and/or sell goods, wares or merchandise, which is open to the public.

"Festival" means an event held for more than one (1) day with a special title and conducted in one (1) location or more, promoted to attract patrons from the City of Fort Wayne and surrounding communities, including but not limited to: Three Rivers Festival, Forte Festival, Black Expo Days, Germanfest, Greekfest, Muddy River Run, Johnny Appleseed Festival, Jazz Fest, and Run Jane Run.

"Flea Market" means a market indoors, or out of doors, in operation one hundred twenty (120) calendar days or less, where new or used items are sold from individual locations, with each location being operated independently from the other locations. Items sold include but are not limited to household items, antiques, rare items, decorations, used books and used magazines.

"Person" means any individual, firm, corporation or partnership.

"Transient merchant," when used in this Article, shall include all persons, both as principals and agents, who engage in, do or transact, any temporary or transient business in this city, for a period of one hundred twenty (120) calendar days or less, either in one locality or in traveling from place to place in this city, offering for sale or selling goods, wares or merchandise, and including those who, for the purpose of carrying on such business, hire, lease or occupy any permanent or mobile building, structure, real estate, or any other place, for the exhibition of means by samples, catalogues, photographs, and price lists or sale of such goods, wares or merchandise, but does not include:

- 1). A resident of the City in which the sale takes place who conducts a sale of tangible personal property for no more than six (6) calendar days;
- 2). An organization that is exempt from the Indiana Gross Retail Tax under I.C. 6-2.5-5-26 and/or is a not-for-profit organization, and presents upon demand, written proof of such exemption and/or status as a not-for-profit organization;

3). A person who provides proof that the sale is being conducted as part of an activity sponsored by an organization described in subdivision 2 of this section.

Division II. Permits.

Sec. 7-43. Required.

It shall be unlawful for any transient merchant to do or transact any business in the sale of goods, wares or merchandise of any and every kind, make and description, without first obtaining a permit therefor as herein provided. It shall further be unlawful for the owner and/or occupant of any real estate, permanent or mobile building structure, or other place, to knowingly permit the use of said real estate, permanent or mobile building structure, or other place, by a transient merchant who does not have a permit as provided herein. In the case of a flea market or exhibition, only one (1) permit need be obtained for the flea market or exhibition, and not for each transient merchant therein. In the case of a festival, only one (1) permit need be obtained for the festival, and each transient merchant at said festival shall not be required to obtain a separate transient merchant permit if said transient merchant is officially licensed by the festival or otherwise recognized as an official vendor of the festival, and displays in a prominent area a logo or other written proof that it has such official designation. Any transient merchant not thus officially designated as an official festival licensee or vendor shall be required to obtain a permit pursuant to the terms of this Ordinance.

Sec. 7-44. Application.

Each transient merchant desiring to engage in, do and transact business in the city shall file a verified application for a permit for that purpose with the City Controller; which application shall state the person's name, residence, and the location of the building, permanent or mobile building, structure, real estate, or other place in which that person expects to do business and the make and character of the goods, wares and merchandise that person intends to sell.

Sec. 7-45. Fee; issuance; term.

Each transient merchant, or operator of a flea market, exhibition or festival, shall pay to the City Controller for a permit the sum of two hundred fifty hundred dollars (\$250.00), and on the filing of the application and the payment of the permit fee as herein provided, the City Controller shall issue a permit to do business as such at the place described in the application for a period of not less than one hundred twenty (120) days. Any application for a permit must be filed five (5) business days prior to the first day of operation by the transient merchant.

Sec. 7-46. Transfer prohibited.

No permit issued under the provisions of this Article shall be good for more than one location and it shall not be transferable.

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Sec. 7-47. Refund of permit fee.

The Controller of the City will refund the permit fee that has been paid herein if such transient merchant remains in business longer than one hundred twenty (120) days.

Sec. 7-48. Display required.

Transient merchants shall display the permit, described in Sec. 7-45 of this Article, in a prominent area at the location where that person engages in, does or transacts, any temporary or transient business in this City.

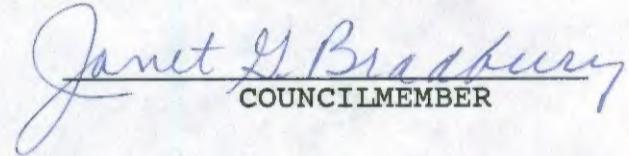
Division III. Violations.

Sec. 7-49. Violations; penalty.

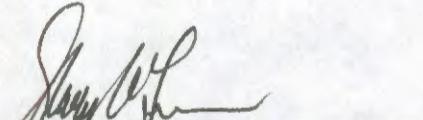
Any person who violates or fails to comply with any provision of this Article shall, upon conviction thereof, be fined in the sum of five hundred dollars (\$500.00). Each day such violation is committed shall constitute a separate offense.

SECTION 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reasons, the remainder of said Ordinance shall not be affected thereby.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any all necessary approval by the Mayor, and its legal publication thereof.


COUNCILMEMBER

APPROVED AS TO FORM
AND LEGALITY.


Stanley A. Levine
Legal Advisor to
Fort Wayne Common Council

Read the first time in full and on motion by seconded by John Williams, and duly adopted, read the second time by title and referred to the Committee on Planning (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on 22, the 19 o'clock .M., E.S.T. day of March

DATED: 2-27-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by seconded by Julius, and duly adopted, placed on its passage. PASSED EST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>7</u>	<u>2</u>		
<u>BRADBURY</u>	<u>✓</u>			
<u>BURNS</u>	<u>✓</u>			
<u>EDMONDS</u>	<u>✓</u>		<u>✓</u>	
<u>GiaQUINTA</u>				
<u>HENRY</u>	<u>✓</u>			
<u>LONG</u>	<u>✓</u>			
<u>REDD</u>	<u>✓</u>			
<u>SCHMIDT</u>			<u>✓</u>	
<u>TALARICO</u>	<u>✓</u>			

DATED: 3-12-90

Nadège Eshoff
SANDRA E. KENNEDY, CITY CLERK
Nadège Eshoff - Deputy

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 5-03-90
on the 13th day of March, 1990,

ATTEST

Nadège Eshoff
SANDRA E. KENNEDY, CITY CLERK
Deputy Clerk

SEAL

Barber S. Reed
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of March, 1990, at the hour of 11:30 o'clock A.M., E.S.T.

Approved and signed by me this 23rd day of March, 1990, at the hour of 5:00 o'clock A.M., E.S.T.

PAUL HELMKE, MAYOR

BILL NO. G-90-02-32 (as amended)

hold for
final copy -
N REGULATIONS
AIRPERSON
CHAIRMAN
ALARICO
Calendar
8 Aug. 7-45
Hannestad
S. J. Johnson

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ OF THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE, INDIANA REGULATING TRANSIENT MERCHANTS

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) XXX (RESOLUTION) _____

Janet G. Bradbury
Charles R. Edmunds
Samuel J. Falatko
Wendy Gony

DATED: 3-13-90

Nedra Eslaff
Sandra E. Kennedy
City Clerk
Deputy

1 GENERAL ORDINANCE NO.

2
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11 Chapter Seven of the Municipal Code of the City of Fort
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14 ARTICLE III. TRANSIENT MERCHANTS.

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16 Division I. In General.

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20 open to the public.

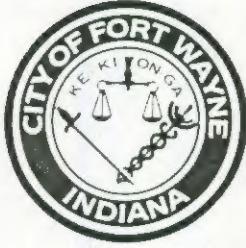
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23 promoted to attract patrons from the City of Fort Wayne and
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26 Greekfest, Muddy River Run, Johnny Appleseed Festival, Jazz
27 Fest, and Run Jane Run.

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29 new or used items are sold from individual locations, with
30 each location being operated independently from the other
31 locations. Items sold include but are not limited to
32 household items, antiques, rare items, decorations, used
books and used magazines.

33 "Person" means any individual, firm, corporation or
34 partnership.

35 "Transient merchant," when used in this Article, shall
36 include all persons, both as principals and agents, who
37 engage in, do or transact, any temporary or transient
38 business in this city, for a period of one hundred twenty
39 (120) days or less, either in one locality or in traveling
40 from place to place in this city, offering for sale or
41 selling goods, wares or merchandise, and including those who,
42 for the purpose of carrying on such business, hire, lease or
43 occupy any permanent or mobile building, structure, real
44 estate, or any other place, for the exhibition of means by
45 samples, catalogues, photographs, and price lists or sale of
46 such goods, wares or merchandise, but does not include:

47 1). A resident of the City in which the sale takes
48 place who conducts a sale of tangible personal
49 property for no more than six (6) calendar days;
50 2). An organization that is exempt from the Indiana
51 Gross Retail Tax under I.C. 6-2.5-5-26 and/or is a
52 not-for-profit organization, and presents upon
53 demand, written proof of such exemption and/or
54 status as a not-for-profit organization;



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

March 29, 1990

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the dates of April 2 & April 9, 1990, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-90-02-32 (as amended)
General Ordinance No. G-03-90
Regulating Transient Merchants

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1

Notice is hereby given that on the 13th day of
March, 1990, the Common Council of the City
of Fort Wayne, Indiana, in a Regular Session did pass
the following Bill No. G-90-02-32 (as amended) General
Ordinance No. G-03-90 to-wit:

2 BILL NO. G-90-02-32 (AS AMENDED)

3 GENERAL ORDINANCE NO. 03-50

4 AN ORDINANCE OF THE COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA REGULATING
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8 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
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19 promoted to attract patrons from the City of Fort Wayne and
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20 Rivers Festival, Forte Festival, Black Expo Days, Germanfest,
Greekfest, Muddy River Run, Johnny Appleseed Festival, Jazz
Fest, and Run Jane Run.

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26 partnership.

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28 include all persons, both as principals and agents, who
29 engage in, do or transact, any temporary or transient
30 business in this city, for a period of one hundred twenty
(120) calendar days or less, either in one locality or in
31 traveling from place to place in this city, offering for sale
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32 who, for the purpose of carrying on such business, hire,
lease or occupy any permanent or mobile building, structure,
real estate, or any other place, for the exhibition of means
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- 2). An organization that is exempt from the Indiana Gross Retail Tax under I.C. 6-2.5-5-26 and/or is a not-for-profit organization, and presents upon

12 *..... is committed shall constitute a separate offense.*

13 SECTION 2. Severability. Should any section,
14 paragraph, sentence, clause or phrase of this Ordinance be
15 declared unconstitutional or invalid for any reasons, the
remainder of said Ordinance shall not be affected thereby.

16 SECTION 3. That this Ordinance shall be in full force
17 and effect from and after its passage and any all necessary
18 approval by the Mayor, and its legal publication thereof.

19 *Paul Helmke*
20 COUNCILMEMBER

Read the third time in full and on motion by Bradbury,
seconded by Talarico, and duly adopted, placed on its passage.
PASSED by the following vote:

Ayes: Seven

Bradbury, Burns, Edmonds, Henry, Long, Redd,
Talarico

Nays: Two

GiaQuinta, Schmidt

Absent: None

Abstained: None

DATED: 3-13-90

Nadejda Eshcoff
Deputy Clerk

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as General Ordinance No. G-03-90 on the 13th
day of March, 1990

ATTEST:

(SEAL)

Nadejda Eshcoff
Deputy Clerk

Charles B. Redd
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne,
Indiana, on the 14th day of March, 1990, at the hour of
11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff
Deputy Clerk

Approved and signed by me this 23rd day of March, 1990, at
the hour of 5:00 o'clock P.M., E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify

that the above and foregoing is a full, true and complete copy of

General Ordinance No. G-03-90

passed by the Common Council on the 13th day of

March, 1990, and that said Ordinance was

duly signed and approved by the Mayor on the 23rd day of

March, 1990, and now remains on file and

on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne,

Indiana, this 25th day of March, 1990.

SEAL

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Fort Wayne Common Council

(Governmental Unit)

Allen

County, Indiana

To: _____ Dr. _____

The News-Sentinel

P.O. Box 100

Fort Wayne, IN

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
 -- number of equivalent lines _____

Head -- number of lines _____

Body -- number of lines _____

Tail -- number of lines _____

Total number of lines in notice _____

COMPUTATION OF CHARGES

195 lines, 1 columns wide equals 195 equivalent lines
 at .495 cents per line \$ 96.53

Additional charge for notices containing rule or tabular work
 (50 percent of above amount) _____

Charge for extra proofs of publication (\$1.00 for each proof in excess of two) 2.00

TOTAL AMOUNT OF CLAIM

\$ 98.53

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 2

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: April 9, 1990

Title: _____ Clerk _____

Nicole Allred

LEGAL NOTICE

Notice is hereby given that on the 13th day of March, 1990, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill:

lb. G-90-02-32 (as amended) General Ordinance No. G-03-90 to-wit:

BILL NO. G-90-02-32 (AS AMENDED)

GENERAL ORDINANCE NO 03-90

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA REGULATING TRANSIENT MERCHANTS.

WHEREAS, the City of Fort Wayne is in need of

regulating transient merchants within the city limits.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. The following new Article is hereby added to Chapter Seven of the Municipal Code of the City of Fort Wayne, Indiana entitled "Business Regulations Generally".

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"Transient merchant," when used in this Article,

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any other place, for the exhibition of means by

samples, catalogues, photographs, and price lists or

sale of such goods, wares or merchandise, but

does not include:

1). A resident of the City in which the sale takes

PUBLISHER'S AFFIDAVIT

state of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Nicole Allred who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two time(s), the dates of publication being as follows:

4/2, 9/90

Nicole Allred

Subscribed and sworn to before me this 9th day of April, 1990.

Shelley R. Larue

Notary Public Whitley County, IN

SHELLEY R. LARUE

commission expires: March 3, 1994

Notice is hereby given that on the 13th day of March, 1990, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-90-02-32 (as amended) General Ordinance No. G-03-90 to-wit:

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3). A person who provides proof the sale is being conducted as part of an activity sponsored by an organization described in subdivision 2 of this section.

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Sec. 7-43. Required.

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Transient merchants shall display the permit, ascribed in Sec. 7-45 of this Article, in a prominent place at the location where that person engages in, does or transacts, any temporary or transient business this City.

Sec. 7-49. Violations; penalty.

Any person who violates or fails to comply with any provision of this Article shall, upon conviction thereof, be fined in the sum of five hundred dollars (\$500.00). Each day such violation is committed shall constitute a separate offense.

SECTION 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any all necessary approval by the Mayor, and its legal publication thereof.

Janet G. Bradbury
Councilmember

read the third time in full and on motion by Bradbury, concurred by Talarico, and duly adopted, placed on its

usage, PASSED by the following vote:

Ayes: Seven
Bradbury, Burns, Edmonds, Henry, Long, Redd, Talarico

Nays: Two
GiaQuinta, Schmidt

Absent: None

Abstained: None

DATED: 3-13-90

Nadejda Eshcoff
Deputy Clerk

assessed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. 03-90 on the 13th day of March, 1990

ATTEST:

Nadejda Eshcoff
Deputy Clerk
Charles B. Redd
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of March, 1990, at the hour of 11:30 A.M., E.S.T.

Nadejda Eshcoff
Deputy Clerk

Approved and signed by me this 23rd day of March, 1990, at the hour of 5:00 P.M., E.S.T.

Paul Helmke
Mayor

The Clerk of the City of Fort Wayne, Indiana do

hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No.

03-90, passed by the Common Council on the 13th

day of March, 1990, and that said Ordinance was duly

signed and approved by the Mayor on the 23rd day of

March, 1990, and now remains on file and on record in

my office.

WITNESS my hand, and the official seal of the City of

Fort Wayne, Indiana, this 25th day of March, 1990,

Sandra E. Kennedy, City Clerk

-2-9

of Accounts

council

nty, Indiana

General Form No. 99P (Revised 1987)

The News-Sentinel

Dr.

P.O. Box 100

Fort Wayne, IN

PUBLISHER'S CLAIM

eed two actual lines, neither of which shall total the type in which the body of the advertisement is set)

lumns wide equals 195 equivalent lines

\$ 96.53

containing rule or tabular work

blication (\$1.00 for each proof in excess of two)

2.00

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\$ 98.53

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ems

nd penalties of Chapter 155, Acts 1953,

going account is just and correct, that the amount allowing all just credits, and that no part of the

Nicole Allred

, 19 90

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Nicole Allred who, being duly sworn, says that he/

she is Clerk of the The News-Sentinel newspaper of general

circulation printed and published in the English language in the (city) (town) of

Fort Wayne, IN in state and county aforesaid, and that the printed matter

attached hereto is a true copy, which was duly published in said paper for two time (s), the dates of publication being as follows:

4/2, 9/90

Nicole Allred

I subscribed and sworn to before me this 9th day of April, 19 90.

Shelley R. Larue

Notary Public Whitley County, IN

SHELLEY R. LARUE

My commission expires: March 3, 1994

The Clerk of the City of Fort Wayne, Indiana do

hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No.

03-90, passed by the Common Council on the 13th

day of March, 1990, and that said Ordinance was duly

signed and approved by the Mayor on the 23rd day of

March, 1990, and now remains on file and on record in

my office.

WITNESS my hand, and the official seal of the City of

Fort Wayne, Indiana, this 25th day of March, 1990,

Sandra E. Kennedy, City Clerk

-2-9

Fort Wayne Common Council
(Governmental Unit)

The Journal-Gazette

Dr.

Allen County, Indiana

P.O. Box 100

Fort Wayne, IN

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

195 lines, 1 columns wide equals 195 equivalent lines
at .495 cents per line

\$ 96.53

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

2.00

TOTAL AMOUNT OF CLAIM

\$ 98.53

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 2

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: April 9, 1990

Title:

Clerk

Nicole Allred

LEGAL NOTICE

Notice is hereby given that on the 13th day of March, 1990, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-90-02-32 (as amended) General Ordinance No. G-03-90 to-wit:

BILL NO. G-90-02-32 (AS AMENDED)

GENERAL ORDINANCE NO 03-90

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA REGULATING TRANSIENT MERCHANTS.

WHEREAS, the City of Fort Wayne is in need of regulating transient merchants within the city limits.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. The following new Article is hereby added to Chapter Seven of the Municipal Code of the City of Fort Wayne, Indiana entitled "Business Regulations Generally":

ARTICLE III. TRANSIENT MERCHANTS.

Division I. In General.

"Exhibition" means any public show or trade show organized to demonstrate and/or sell goods, wares or merchandise, which is open to the public.

"Festival" means an event held for more than one (1) day with a special title and conducted in one (1) location or more, promoted to attract patrons from the City of Fort Wayne and surrounding communities, including but not limited to: Three Rivers Festival, Forte Festival, Black Expo Days, Germanfest, Greekfest, Buddy River Run, Johnny Appleseed Festival, Jazz Fest, and Run Jane Run.

"Flea Market" means a market indoors, or out of doors, in operation one hundred twenty (120) calendar days or less, where new or used items are sold from individual locations, with each location being operated independently from the other locations. Items sold include but are not limited to household items, antiques, rare items, decorations, used books and used magazines.

"Person" means any individual, firm, corporation or partnership.

"Transient merchant," when used in this Article, all include all persons, both as principals and agents, to engage in, do or transact, any temporary or transient business in this city, for a period of one hundred twenty (120) calendar days or less, either in a locality or in traveling from place to place in this city, offering for sale or selling goods, wares or merchandise, and including those who, for the purpose of carrying on such business, hire, lease or occupy any manner of mobile building, structure, real estate, or other place, for the exhibition of means by titles, catalogues, photographs, and price lists or of such goods, wares or merchandise, but as not include:

1. A resident of the City in which the sale takes

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Nicole Allred who, being duly sworn, says that he/ she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two time(s), the dates of publication being as follows:

4/2, 9/90

*Nicole Allred*Subscribed and sworn to before me this 9th day of April, 19 90Commission expires: March 3, 1994Notary Public Whitley County, IN
SHELLEY R. LARUE

990, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill
o. G-90-02-32 (as amended) General Ordinance
o. G-03-90 to-wit:
BILL NO. G-90-02-32 (AS AMENDED)
GENERAL ORDINANCE NO 03-90
OF THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA REGULATING
TRANSIENT MERCHANTS.
WHEREAS, the City of Fort Wayne is in need of
regulating transient merchants within the city limits.
NOW, THEREFORE, BE IT ORDAINED BY THE
COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA THAT:
SECTION 1. The following new Article is hereby
added to Chapter Seven of the Municipal Code of the
City of Fort Wayne, Indiana entitled "Business
Regulations Generally":
ARTICLE III. TRANSIENT MERCHANTS.
Division I. In General.
Sec. 7-42. Definitions.
"Exhibition" means any public show or trade show
organized to demonstrate and/or sell goods, wares or
merchandise, which is open to the public.
"Festival" means an event held for more than one
day with a special title and conducted in one (1)
location or more, promoted to attract patrons from the
City of Fort Wayne and surrounding communities,
including but not limited to: Three Rivers Festival, Forte
Festival, Black Expo Days, Germanfest, Greekfest,
Muddy River Run, Johnny Appleseed Festival, Jazz
fest, and Run Jane Run.
"Flea Market" means a market indoors, or out of
doors, in operation one hundred twenty (120)
calendar days or less, where new or used items are sold
from individual locations, with each location being
operated independently from the other locations.
Items sold include but are not limited to household
items, antiques, rare items, decorations, used books
and used magazines.
"Person" means any individual, firm, corporation or
partnership.
"Transient merchant," when used in this Article,
shall include all persons, both as principals and agents,
to engage in, or transact, any temporary or
transient business in this city, for a period of one
hundred twenty (120) calendar days or less, either in
the locality or in traveling from place to place in this
city, offering for sale or selling goods, wares or
merchandise, and including those who, for the purpose
of carrying on such business, hire, lease or occupy any
permanent or mobile building, structure, real estate, or
any other place, for the exhibition of means by
samples, catalogues, photographs, and price lists or
list of such goods, wares or merchandise, but
such list does not include:
1. A resident of the City in which the sale takes
place who conducts a sale of tangible personal
property for no more than six (6) calendar days;
2. An organization that is exempt from the Indiana
Sales Tax under I.C. 6-2.5-5-26 and/or is a
not-for-profit organization, and presents upon
demand, written proof of such exemption and/or
status as a not-for-profit organization;
3. A person who provides proof the sale is being
conducted as part of an activity sponsored by an
organization described in subdivision 2 of this
section.

ARTICLE III. TRANSIENT MERCHANTS.

Division I. In General.

Sec. 7-42. Definitions.
"Exhibition" means any public show or trade show
organized to demonstrate and/or sell goods, wares or
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"Festival" means an event held for more than one
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including but not limited to: Three Rivers Festival, Forte
Festival, Black Expo Days, Germanfest, Greekfest,
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transient business in this city, for a period of one
hundred twenty (120) calendar days or less, either in
the locality or in traveling from place to place in this
city, offering for sale or selling goods, wares or
merchandise, and including those who, for the purpose
of carrying on such business, hire, lease or occupy any
permanent or mobile building, structure, real estate, or
any other place, for the exhibition of means by
samples, catalogues, photographs, and price lists or
list of such goods, wares or merchandise, but
such list does not include:

1. A resident of the City in which the sale takes
place who conducts a sale of tangible personal
property for no more than six (6) calendar days;
2. An organization that is exempt from the Indiana
Sales Tax under I.C. 6-2.5-5-26 and/or is a
not-for-profit organization, and presents upon
demand, written proof of such exemption and/or
status as a not-for-profit organization;
3. A person who provides proof the sale is being
conducted as part of an activity sponsored by an
organization described in subdivision 2 of this
section.

Division II. Permits.

Sec. 7-43. Required.
It shall be unlawful for any transient merchant to do
any transact any business in the sale of goods, wares or
merchandise of any and every kind, make and
description, without first obtaining a permit therefor as
herein provided. It shall further be unlawful for the
owner and/or occupant of any real estate,
permanent or mobile building structure, or other place,
knowingly permit the use of said real estate,
permanent or mobile building structure, or other place,
by a transient merchant who does not have a
permit as provided herein. In the case of a flea market
exhibition, only one (1) permit need be obtained
for the flea market or exhibition, and not for
each transient merchant therein. In the case of a
festival, only one (1) permit need be obtained
for the festival, and each transient merchant at said
festival shall not be required to obtain a separate
transient merchant permit if said transient merchant is
officially licensed by the festival or otherwise
recognized as an official vendor of the festival, and
plays in a prominent area a logo or other written
material that it has such official designation. Any transient
merchant not thus officially designated as an official
festival licensee or vendor shall be required to obtain a
separate permit pursuant to the terms of this Ordinance.

Sec. 7-44. Application.
Each transient merchant desiring to engage in, do
any transact business in the city shall file a verified
application for a permit for that purpose with the
City Controller, which application shall state the
person's name, residence, and the location of the
building, permanent or mobile building, structure, real
estate, or other place in which the person expects to do
business and the make and character of the goods,
wares and merchandise that person intends to sell.

Sec. 7-45. Fee; issuance; term.
Each transient merchant, or operator of a flea
market, exhibition or festival, shall pay to the City
Controller for a permit the sum of two hundred fifty
dollars (\$250.00), and on the filing of the application
the payment of the permit fee as herein provided,
the City Controller shall issue a permit to do
business as such at the place described in the
application for a period of not less than one hundred
twenty (120) days. Any application for a permit must
be filed five (5) business days prior to the first day of
operation by the transient merchant.

Sec. 7-46. Transfer prohibited.
No permit issued under the provisions of this Article
shall be good for more than one location and it shall not
be transferable.

Sec. 7-47. Refund of permit fee.
The Controller of the City will refund the permit fee
it has been paid herein if such transient merchant
remains in business longer than one hundred twenty
(120) days.

Sec. 7-48. Display required.
Transient merchants shall display the permit,
described in Sec. 7-45 of this Article, in a prominent
place at the location where that person engages in,
or transacts, any temporary or transient business
in this City.

Division III. Violations.
Sec. 7-49. Violations; penalty.
Any person who violates or fails to comply with any
provision of this Article shall, upon conviction thereof,
be fined in the sum of five hundred dollars (\$500.00)
per day such violation is committed shall constitute a
misdemeanor offense.

SECTION 2. Severability. Should any section,
paragraph, sentence, clause or phrase of this
ordinance be declared unconstitutional or invalid
for any reason, the remainder of said ordinance shall
not be affected thereby.

SECTION 3. That this Ordinance shall be in full force
and effect from and after its passage and any all
necessary approval by the Mayor, and its legal
publication thereof.

Janet G. Bradbury
Councilmember

ad the third time in full and on motion by Bradbury,
conded by Talarico, and duly adopted, placed on its
agenda. PASSED by the following vote:

Ayes: Seven
Bradbury, Burns, Edmonds, Henry, Long, Redd,
Talarico

Nays: Two
GiaQuinta, Schmidt

Absent: None

Abstained: None

DATED: 3-13-90

Nadejda Eshcoff
Deputy Clerk

Passed and adopted by the Common Council of the
City of Fort Wayne, Indiana, as General Ordinance No.

03-90 on the 13th day of March, 1990.

ATTEST:

Nadejda Eshcoff
Deputy Clerk

Charles B. Redd

Presiding Officer

Presented by me to the Mayor of the City of Fort

Wayne, Indiana, on the 14th day of March, 1990, at the

hour of 11:30 A.M., E.S.T.

Nadejda Eshcoff
Deputy Clerk

Approved and signed by me this 23rd day of March,

1990, at the hour of 5:00 P.M., E.S.T.

Paul Helmke
Mayor

The Clerk of the City of Fort Wayne, Indiana do
eby certify that the above and foregoing is a full,
and complete copy of General Ordinance No.

03-90, passed by the Common Council on the 13th

of March, 1990, and that said Ordinance was duly
passed and approved by the Mayor on the 23rd day of

March, 1990, and now remains on file and on record in

the office.

WITNESS my hand, and the official seal of the City of

Fort Wayne, Indiana, this 25th day of March, 1990.

Sandra E. Kennedy, City Clerk

2-9

ard of Accounts

Council

County, Indiana

General Form No. 99P (Revised 1987)

To: The Journal-Gazette

Dr.

P.O. Box 100

Fort Wayne, IN

PUBLISHER'S CLAIM

exceed two actual lines, neither of which shall total
the type in which the body of the advertisement is set

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YES

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Nicole Allred

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Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) as:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the

undersigned Nicole Allred who, being duly sworn, says that he/

she is Clerk of the The Journal-Gazette newspaper of general

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Fort Wayne, IN in state and county aforesaid, and that the printed matter

attached hereto is a true copy, which was duly published in said paper for

two time(s), the dates of publication being as follows:

4/2, 9/90

Nicole Allred

scribed and sworn to before me this 9th day of April, 1990

Shelley R. Larue

Notary Public Whitley County, IN

SHELLEY R. LARUE

v commission expires: March 3, 1994